

AMENDED IN ASSEMBLY AUGUST 19, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE MAY 7, 2014

SENATE BILL

No. 1298

Introduced by Senator Hernandez
(Coauthor: Assembly Member Chau)

February 21, 2014

An act to repeal and add Section 149.9 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as amended, Hernandez. High-occupancy toll lanes.

Existing law, until January 15, 2015, specifically authorizes a value-pricing and transit development demonstration program involving high-occupancy toll (HOT) lanes to be conducted, administered, developed, and operated on State Highway Routes 10 and 110 in the County of Los Angeles by the Los Angeles County Metropolitan Transportation Authority (LACMTA) under certain conditions.

This bill would ~~enact new provisions revising and recasting~~ *revise and recast* these provisions and would ~~repeal the existing provisions, thereby extending~~ *extend* the program indefinitely. The bill would specify additional requirements for agreements between LACMTA, the Department of Transportation, and the Department of the California Highway Patrol that identify the respective obligations and liabilities of each party relating to the program and clear and concise procedures for law enforcement.

~~The bill would delete the requirement that LACMTA may not change the vehicle occupancy requirement for access to the high-occupancy~~

~~vehicle lanes in the identified corridors. The enforcement. The bill would require the agreements to provide for reimbursement of state agencies from toll-revenue revenues of the cost costs incurred in the implementation or operation of the program and the maintenance of state highway facilities in connection with the program and authorize would require remaining revenue to be used for improvements to the transportation corridor from which the revenue was generated.~~

The bill would require LACMTA and the Department of Transportation to report to the Legislature by January 31, 2015, on various aspects and effects of the program. The bill would also authorize LACMTA to issue bonds pursuant to the Los Angeles County Transportation Commission Revenue Bond Act at any time to finance any costs necessary to implement the program and to finance any expenditures payable from the revenues generated from the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 149.9 of the Streets and Highways Code
- 2 is repealed.
- 3 SEC. 2. Section 149.9 is added to the Streets and Highways
- 4 Code, to read:
- 5 149.9. (a) Notwithstanding Sections 149 and 30800 of this
- 6 code, and Section 21655.5 of the Vehicle Code, the Los Angeles
- 7 County Metropolitan Transportation Authority—(LACMTA);
- 8 (LACMTA) may conduct, administer, and operate a value-pricing
- 9 and transit development program involving high-occupancy toll
- 10 (HOT) lanes on State Highway Routes 10 and 110 in the County
- 11 of Los Angeles. LACMTA, *with the consent of the department,*
- 12 may direct and authorize the entry and use of the State Highway
- 13 Route 10 and 110 high-occupancy vehicle lanes by single-occupant
- 14 vehicles and those vehicles that do not meet minimum occupancy
- 15 requirements, as defined by LACMTA, for a fee. The amount of
- 16 the fee shall be established by, and collected in a manner to be
- 17 determined by, LACMTA. LACMTA may continue to require
- 18 high-occupancy vehicles to have an electronic transponder or other
- 19 electronic device for enforcement purposes.
- 20 (b) LACMTA shall implement the program in cooperation with
- 21 the department, and with the active participation of the Department

1 of the California Highway Patrol, pursuant to an agreement that
2 addresses all matters related to design, construction, maintenance,
3 and operation of state highway system facilities in connection with
4 the program. With the consent of the department, LACMTA shall
5 establish appropriate performance measures, such as speed or travel
6 times, for the purpose of ensuring optimal use of the HOT lanes
7 by high-occupancy vehicles without adversely affecting other
8 traffic on the state highway system.

9 (1) Agreements between LACMTA, the department, and the
10 Department of the California Highway Patrol shall identify the
11 respective obligations and liabilities of each party to the agreement
12 and assign them responsibilities relating to the program. The
13 agreements entered into pursuant to this section shall be consistent
14 with agreements between the department and the United States
15 Department of Transportation relating to programs of this nature.
16 The agreements entered into pursuant to this section shall include
17 clear and concise procedures for enforcement by the Department
18 of the California Highway Patrol of laws prohibiting the
19 unauthorized use of the HOT lanes. The agreements shall provide
20 for reimbursement of state agencies, from revenues generated by
21 the program or other funding sources that are not otherwise
22 available to state agencies for transportation-related projects, for
23 costs incurred in connection with the implementation or operation
24 of the program, as well as maintenance of state highway system
25 facilities in connection with the program.

26 (2) All remaining revenue generated by the program shall be
27 used in the corridor from which the revenue was generated
28 exclusively for preconstruction, construction, and other related
29 costs of high-occupancy vehicle facilities, transportation corridor
30 improvements, and the improvement of transit service in the
31 corridor, including, but not limited to, support for transit operations
32 pursuant to an expenditure plan adopted by LACMTA. LACMTA's
33 administrative expenses related to the operation of the program
34 shall not exceed 3 percent of the revenues.

35 (c) Single-occupant vehicles and those vehicles that do not meet
36 minimum occupancy requirements that are certified or authorized
37 by LACMTA for entry into, and use of, the State Highway Routes
38 10 and 110 high-occupancy vehicle lanes are exempt from Section
39 21655.5 of the Vehicle Code, and the driver shall not be in violation
40 of the Vehicle Code because of that entry and use.

(d) In implementing the program, LACMTA shall continue to work with the affected communities in the respective corridors and provide mitigation measures for commuters of low income, including reduced toll charges and toll credits for transit users. Eligible commuters for reduced toll charges or toll credits for transit users shall meet the eligibility requirements for assistance programs under Chapter 2 (commencing with Section 11200) or Chapter 3 (commencing with Section 12000) of Part 3 of, Part 5 (commencing with Section 17000) of, or Chapter 10 (commencing with Section 18900), Chapter 10.1 (commencing with Section 18930), or Chapter 10.3 (commencing with Section 18937) of Part 6 of, Division 9 of the Welfare and Institutions Code.

(e) LACMTA and the department shall report to the Legislature by January 31, 2015. The report shall include, but not be limited to, a summary of the program, a survey of its users, the impact on carpoolers, revenues generated, how transit service or alternative modes of transportation were impacted, any potential effect on traffic congestion in the high-occupancy vehicle lanes and in the neighboring lanes, the number of toll-paying vehicles that utilized the HOT lanes, any potential reductions in the greenhouse gas emissions that are attributable to congestion reduction resulting from the HOT lane program, any comments submitted by the Department of the California Highway Patrol regarding operation of the lanes, and a description of the mitigation measures on the affected communities and commuters in the program. The report shall be submitted in compliance with Section 9795 of the Government Code. This subdivision shall become inoperative on January 31, 2019, pursuant to Section 10231.5 of the Government Code.

(f) Toll paying commuters shall have the option to purchase any necessary toll paying equipment, prepay tolls, and renew toll payments by cash or by using a credit card.

(g) This section shall not prevent the department or any local agency from constructing facilities that compete with a HOT lane program, and LACMTA shall not be entitled to compensation for adverse effects on toll revenue due to those facilities.

(h) LACMTA may issue bonds, as set forth in Chapter 5 (commencing with Section 130500) of Division 12 of the Public Utilities Code, at any time to finance any costs necessary to implement a value-pricing and transit development program

1 established in accordance *with* this section and to finance any
2 expenditures payable from the revenues generated from the
3 program.

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